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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES FEDRICK,

Defendant and Appellant.

2d Crim. No. B175624
(Super. Ct. No. 2002035414)
(Ventura County)

James Fedrick appeals an order revoking his probation and sentencing him to prison.

On October 25, 2002, Fedrick pleaded guilty to possession of methamphetamine. (Health & Saf. Code, § 11377, subd. (a).) On October 31, 2002, he admitted suffering a prior serious felony conviction pursuant to the "Three Strikes" law. (Pen. Code, § 667, subds. (b-i), 1170.12, subds. (a)-(d).) The trial court suspended imposition of sentence and granted Fedrick 36 months' probation pursuant to the drug treatment program of Penal Code section 1210.1 ["Proposition 36"].

On three occasions, the trial court found Fedrick in violation of probation. It revoked probation and denied a motion pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, to strike the prior serious felony conviction allegation. The trial court sentenced Fedrick to a prison term of four years.

We appointed counsel to represent Fedrick in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On December 9, 2004, we advised Fedrick that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We received a response asserting that the trial court denied him due process of law by finding him in violation of probation, and that at the time of his plea, he believed he could receive a prison term of only three years.

We have reviewed the entire record and are satisfied that Fedrick's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Barry B. Klopfer, Judge
Superior Court County of Ventura

Linda C. Rush, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.